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PATENT APPLICATION  
Docket No.: 4000.2.71  
Digeo Ref. No.: 232.2

### ***DECLARATION, POWER OF ATTORNEY AND PETITION***

We, Paul G. Allen, John M. Kellum, and Robert E. Novak, declare: that we are citizens of the United States of America; that our residences and post office addresses are 6451 West Mercer Way, Mercer Island, Washington 98040, 303 East Pike Street #PH5, Seattle, Washington 98122, and 11706 114th PL NE, Kirkland, Washington 98033, respectively; that we verily believe we are the original, first, and joint inventors of the subject matter of the invention or discovery entitled SYSTEM AND METHOD FOR MITIGATING INTERRUPTIONS DURING TELEVISION VIEWING, for which a patent is sought and which is described and claimed in the specification filed in the United States Patent and Trademark Office as Serial No. 09/933,880 on August 21, 2001; that we have reviewed and understand the contents of the above-identified specification, including the claims; and that we acknowledge the duty to disclose all information known to us to be material to patentability as defined in Section 1.56 of Title 37 of the Code of Federal Regulations.

We declare further that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application or any patent issuing thereon.

We hereby appoint as our attorneys and/or patent agents those individuals associated with U.S. Patent and Trademark Office Customer No. 21552 with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith. All correspondence and telephonic communications should be directed to Kory D. Christensen at the address associated with Customer No. 21552.

Wherefore, we pray that Letters Patent be granted to us for the invention or discovery described and claimed in the foregoing specification and claims, declaration, power of attorney, and this petition.

Signed at Seattle, Washington, this 30<sup>th</sup> day of  
October, 2001.

Inventor Paul G. Allen  
Paul G. Allen  
6451 West Mercer Way  
Mercer Island, Washington 98040

Signed at \_\_\_\_\_, \_\_\_\_\_, this \_\_\_\_\_ day of  
(City) (State)  
\_\_\_\_\_, 2001.

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\_\_\_\_\_, 2001.

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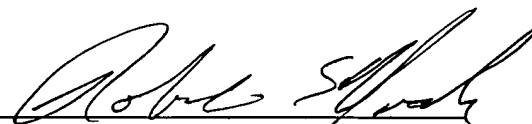
Signed at Kirkland, WA, this 8<sup>th</sup> day of  
(City) (State)  
October, 2001.

Inventor \_\_\_\_\_

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